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# Congress of the United States

## House of Representatives

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May 23, 2007

Mr. Fred Fielding  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. Fielding:

Thank you for your letter of May 18, 2007, letter asking about the legislative purposes served by the Committee's investigation into whether White House officials misled the Congress and the public about Iraq's efforts to obtain uranium from Africa and its nuclear threat.

Under the House rules, the Committee on Oversight and Government Reform is the principal oversight committee in the U.S. House of Representatives. The Oversight Committee has been given express authority under the House rules to "conduct investigations of any matter" so that the Committee can report "findings and recommendations" to "any other standing committee having jurisdiction over the matter involved."<sup>1</sup>

In this case, there are many legislative actions that could be informed by the Committee's inquiry. To name one example, the false and misleading intelligence that precipitated the war in Iraq has called into question the performance of the National Security Council, which was created by Congress in 1947 to coordinate the various components of the federal government with responsibility for national security. By federal statute, the National Security Council has a "Committee on Foreign Intelligence" and a "Committee on Transnational Threats," both of which are required by statute to be chaired by the National Security Advisor.<sup>2</sup> The Committee's inquiry into the actions of the National Security Advisor and other White House officials will inform congressional consideration of whether the current laws governing the function of the National Security Council and the responsibilities of the National Security Advisor need to be reformed.

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<sup>1</sup> House Rule X, clause 4 (c)(2).

<sup>2</sup> 50 U.S.C. §§ 402 (h) & (i).

In addition, an examination of the actions of White House officials will inform congressional consideration of whether other reforms affecting the operations of the White House, such as new oversight and accountability mechanisms, may be necessary to prevent the recurrence of the mistakes, distortions, and misjudgments that led the nation to war in Iraq. Congress has a constitutional obligation to examine what went wrong inside the White House so that it can assess how to protect our troops and the nation from being led into future wars based on inaccurate information.

Your letter asserts that the purpose of the Committee's investigation is "unclear" because "few matters in recent times have been as thoroughly examined as this one." It is true that there have been several examinations of the mistakes made by the Central Intelligence Agencies and the other intelligence agencies. There has, however, been no examination yet of the actions of the National Security Council, the National Security Advisor, and other White House officials.

For example, your letter describes the report of the Senate Select Committee on Intelligence as an extensive and exhaustive inquiry. But the Senate report, as its title indicates, is an examination of the "U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq," not an examination of how this intelligence was used or misused by White House officials. The Senate report recounts that the White House received multiple warnings not to use the claim that Iraq sought uranium from Africa, including warnings provided personally by CIA Director George Tenet. But the Senate report did not examine who had knowledge of these warnings inside the White House, what discussions occurred among White House officials about the warnings, or why they were forgotten or ignored. It also did not consider whether the National Security Council and the National Security Advisor properly performed their responsibilities to ensure that the different views held by the CIA, the State Department, the Defense Department, and the Department of Energy about Iraq's nuclear capabilities were appropriately aired and accurately resolved. As the additional views to the Senate report observed: "The Committee did not undertake to interview senior policymakers to gain their perspectives on prewar intelligence related to Iraq — as well as the nature and extent of their interaction with Intelligence Community analysts."<sup>3</sup>

The Silberman-Robb report, which you also cite, had a similarly limited scope and did not examine what transpired inside the White House. As the report states:

We emphasize ... we were not authorized to investigate how policymakers used the intelligence assessments they received from the intelligence community. Accordingly, while we interviewed a host of current and former policymakers during the course of our investigation, the purpose of those interviews was to learn about how the Intelligence

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<sup>3</sup> Senate Select Committee on Intelligence, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, Additional Views of Senator Richard Durbin, at 499 (108<sup>th</sup> Cong., July 7, 2004).

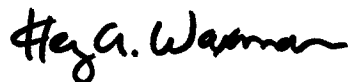
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Community reached and communicated its judgments about Iraq's weapons programs — not to review how policymakers subsequently used that information.<sup>4</sup>

I appreciate your giving me an opportunity to respond to your concerns and hope this letter resolves any remaining questions you may have. The record is clear that the actions of White House officials regarding Iraq's efforts to obtain uranium from Africa and Iraq's nuclear threat have never been investigated. It is also clear that Congress has a direct legislative purpose in examining this matter. Indeed, I believe Congress would be derelict in its constitutional obligations if it did not pursue this inquiry. The cost of the war in American and Iraqi lives lost — and in American tax dollars spent — has been heavy. Our system of checks and balances would be meaningless if Congress were unable to investigate whether the National Security Council, the National Security Advisor, and other White House officials acted in the national interest.

For these reasons, I urge you to reconsider your position and cooperate fully in the Committee's investigation. I also request that you share a copy of this letter with Shannen Coffin, counsel to Vice President Cheney, as this letter answers the questions raised by Mr. Coffin in his May 18 letter.

Sincerely,



Henry A. Waxman  
Chairman

cc: Tom Davis  
Ranking Minority Member

Shannen Coffin  
Counsel to the Vice President

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<sup>4</sup> The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States*, at 8 (Mar. 31, 2005).